

MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
Colonial Red Lion Hotel – 2301 Colonial Drive
Helena, MT 59601

FEBRUARY 21, 2006

Commission Members Present: Steve Doherty, Chairman; Tim Mulligan, Vice-Chairman; John Brenden; Shane Colton; Vic Workman.

Fish, Wildlife & Parks Staff Present: Jeff Hagener, Director, Chris Smith, Chief of Staff, and FWP Staff.

Guests: See February 21, 2006 Commission file folder.

Topics of Discussion:

1. Opening - Pledge of Allegiance
2. Approval of January 18, 2006 Commission Minutes
3. Approval of Commission Expenses through January 31, 2006
4. Recognition Award to Rich DeSimone for 30 Years of Service to FWP
5. Paddlefish Roe Advisory Committee Appointments – Final
6. Canyon Ferry Reservoir & Lake Helena Commercial Fishing Regulations – Tentative
7. Trophy Elk Restitution Language Modification – Final
8. CWD Carcass Transportation Rule – Final
9. Annual Lottery of Hunting Licenses (Supertag) ARM – Final
10. Amend ARM 12.11.501 – Index of Water Bodies
11. Establish Biennial Seasons for Antelope, Deer & Elk – Final
12. Limit of 5 Antlerless Deer and 2 Doe/Fawn Antelope Licenses Per License Year – Final
13. Separation of Game Damage Seasons from General 5-Week Season – Final
14. Youth Hunting Opportunity – Final
15. 2006/2007 Moose, Sheep, and Goat Seasons and HD Boundaries – Final
16. 2006/2007 Antelope, Deer and Elk Seasons and HD Boundaries – Final
17. 2006/2007 Lion Seasons and Hunting District Boundaries – Final
18. 2006 Spring Turkey & Fall Turkey Seasons and Quotas – Final
19. 2006/2007 Spring Black Bear Seasons and Quotas – Final
20. 2006 Game Damage Permit Authorizations – Final
21. 2006/2007 Prairie Dog Shooting Rule – Final
22. 2007 Hunting Season Dates – Final.
23. Public Opportunity to Address Issues Not Discussed at this Meeting

1. Opening - Pledge of Allegiance. Chairman Doherty called the meeting to order at 8:00 a.m. and led the Pledge of Allegiance.

2. Approval of January 18, 2006 Commission Minutes.

Action: Mulligan moved and Colton seconded the motion to approve the minutes of the January 18, 2006 Commission meeting. Mulligan requested removal of the last sentence in the minutes regarding comment periods, and Brenden asked that it be noted that he voted against the DNRC land Sale near Sula only because he feels the state owns enough land already. Motion carried. (Changes noted in Jan minutes).

3. Approval of Commission Expenses through January 31, 2006.

Action: Mulligan moved and Workman seconded the motion to approve the Commission expenses as presented. Motion carried.

4. Recognition Award to Rich DeSimone for 30 Years of Service to FWP. Chris Smith, FWP Chief of Staff, expressed appreciation to Rich DeSimone for his 30 years of dedicated service to Fish, Wildlife & Parks, and gave a brief synopsis of his many accomplishments. Smith congratulated DeSimone on behalf of FWP, and presented him with a Montana Silversmith pocket watch.

5. Paddlefish Roe Advisory Committee Appointments – Final. Chris Hunter, FWP Fisheries Division Administrator, explained that Montana statute has authorized one non-profit organization to process and sell paddlefish roe with the stipulation that the proceeds go toward community projects. This organization, traditionally the Glendive Chamber of Commerce and Agriculture, appoints a five-member committee who solicits project proposals for funding. The committee must be comprised of one person from the non-profit organization, two local government representatives, and two local anglers. The five people recommended for this year have already been involved in the program for quite some time.

Action: Brenden moved and Colton seconded the motion to approve the Paddlefish Roe Advisory Committee as recommended by the Glendive Chamber of Commerce and Agriculture, and to direct that FWP enter into a Memo of Understanding with the Chamber of Commerce and Agriculture for the 2006 paddlefish season.

6. Canyon Ferry Reservoir & Lake Helena Commercial Fishing Regulations – Tentative. Chris Hunter, FWP Fisheries Division Administrator, explained that Richard and Donna Greene have applied for a 2006 commercial fishing permit to harvest carp on Canyon Ferry Reservoir and Lake Helena. The commission is authorized to approve one commercial fishing operation per each body of water, and to establish regulations for each. This Class B application requires a fee of \$200 and a \$1,000 Surety Bond. The Greenes, approved for last year's season, harvested fish but had no buyer. This year they have a buyer. The comment period generated only supportive comments.

Action: Mulligan moved and Workman seconded the motion to approve the tentative regulations for commercial fishing on Canyon Ferry Reservoir and Lake Helena for the 2006 season. Motion carried.

7. Trophy Elk Restitution Language Modification – Final. In October of 1999, the statute defining trophy animals for the purpose of enhanced restitution became effective. The FWP Commission further clarified the definition of trophy animals, and serves as the current standard. **Jim Kropp, FWP Enforcement Division Administrator**, explained that illegally taken animals that would be considered to be trophy animals according to Boone & Crockett scores do not always meet the definition of trophy animals as established by the Commission.

The recommended proposal is to modify the existing definition changes by adding “*Or any elk with at least one six point antler and having a gross/green Boone & Crockett score of 320 points or greater*” to the elk regulations, and by adding “gross” with “green” when referring to minimum Boone & Crockett scoring for mule and whitetail deer in the regulations. This terminology more accurately reflects the conditions under which the antlers will be evaluated. Kropp said the score of 320 was determined as a median point between Boone & Crockett and Pope & Young minimum qualifying scores.

Public comments were supportive with only a few differences in opinion as to whether the score of 320 should be lower or higher.

Workman stated that he, and constituents who have contacted him, feel that every elk should be considered a trophy. Kropp replied that the trophy designation has been set by legislature.

Action: Colton moved and Mulligan seconded the motion to approve the following definition additions (underlined) for trophy elk and deer under MCA 87-1-115:

Elk (must meet all three criteria) must have at least six points on one antler, a main beam length on each antler of at least 43 inches long, an inside spread of at least 36 inches, or any elk with at least one six point antler and having a gross/green Boone & Crockett minimum score of 320 points or greater.

Mule Deer (must meet all three criteria) must have at least four points on one antler (excluding brow tine), a main beam length on each side of at least 21 inches, and a greatest inside spread across the main beams of at least 20 inches, or any mule deer with at least one four-point antler and having a gross/green Boone & Crockett score of 160 points or greater.

White-tailed Deer (must meet all three criteria) must have at least four point on one antler (excluding brow tine), a main beam length on each side of at least 20 inches, and a greatest inside spread across the main beams of at least 16 inches, or any white-tailed deer with at least one four-point antler and having a gross/green Boone & Crockett score of 140 points or greater.

Motion carried.

8. CWD Carcass Transportation Rule – Final. **Tim Feldner, FWP Enforcement Division Permit Manager**, said comments were supportive as the tentative CWD rule was discussed at several meetings around the state. CWD would create significant social, economic, and environmental impacts to the state, and to MFWP, if it were to become established in Montana.

Three modifications to the tentative are now proposed. The first - rather than restricting importation only from affected hunting districts and game management areas of affected states, restrict importation of the specific carcass parts from the entire affected state. The effectiveness of surveillance programs in other states is unknown, and implementation of the prohibition will be more effective and less confusing if the prohibition includes the entire state.

The second – add moose and other cervids susceptible to CWD to the list of species restricted for importation. The first diagnosis of CWD in a free ranging moose occurred in the fall of 2005 in Colorado.

The third – allow importation of prohibited parts to research institutions or facilities authorized by FWP. A requirement for authorization would be assurance and / or documentation that the heads and spinal cords would be disposed of appropriately.

Brenden asked if animals harvested in an affected state must be mounted in that same state. Feldner said they can be mounted in that state or they can be caped and brought back to Montana. The Canadian border is closed - there are restrictions on bringing heads and spinal cords of harvested cervids into Montana if they have been harvested in Canada. Brenden expressed concern regarding rural areas, such as Broadus, that would suffer negative economic impacts by this – Feldner said approved processing plants would alleviate many of those types of problems.

Colton said when the PLPW Council met, there was broad support for this rule.

Action: Colton moved and Brenden seconded the motion to approve the regulation prohibiting the importation of specific carcass parts of cervids from states experiencing Chronic Wasting Disease in free ranging populations into Montana. Motion carried.

9. Annual Lottery of Hunting Licenses (Supertag) ARM – Final. Hank Worsech, FWP Licensing Bureau Chief, stated that the public comment period concerning the proposed rule on the Supertag lottery generated 130 comments. The majority of comments were supportive, and those in opposition had misunderstood the rule in thinking that the Department was going strictly to a lottery process for all special permits.

Brenden voiced his opinion that more tickets would be sold if the vendors received a fifty cent commission on each ticket/chance rather than what is proposed. The current proposal is for fifty cents per species and several may be printed on a ticket.

Action: Brenden moved and Workman seconded the motion that a fifty cent vendor commission be established on each chance sold.

Colton feels that the large sporting goods stores would benefit from that, with no incentive program provided to employees. That was also not the intent of PLPW when this was discussed.

Worsech said only four comments mentioned an increase in the fee structure, and establishing an incentive program was not brought up by any of the vendors involved. Brenden said public awareness regarding the Supertag proposal was minimal. He added that many small communities sell a lot of licenses; it's not just large sporting goods stores that sell them.

A spokesman from Russell Country Sportsmen of Great Falls said his organization proposes that only one ticket be available for purchase by any one individual. The do not believe the proposed system is equitable with no limit on how many tickets can be bought by one individual.

Colton asked if the Department had numbers on how much money vendors make in license sales. Chris Smith said as part of the last legislative process, the Department did an analysis to determine an hourly rate of what the vendors made, comparing small and large vendors. The hourly rate ranged between \$7.50 and \$11 per hour.

Action on motion: Motion failed. Two in favor – two opposed. (Workman and Brenden in favor, Mulligan abstained).

Worsech explained that since people can only have one license per species, the recipient of the Supertag must relinquish any other tag they may have, as this tag will supercede all others.

Brenden said the tag is not transferable, and he feels that in the case of sickness, health problems, military activation, or death, the tag should be transferable to a family member, or allowed to use the tag at a later time. Worsech stated that licenses cannot be sold, and must be used within the year.

Action: Brenden moved that in the case of sickness, health problems, military activation, or death, the Supertag can be transferred, not sold, to a family member.

Smith noted that the FWP refund policy pertains only to regular licenses. Licenses must be surrendered to receive a refund, and the policy does not apply to auction licenses.

Amendment to Motion: Brenden amended his motion that it be taken into consideration that if a person is transferred by the military, or health issues improve, they can use the tag.

Worsech stated that the statutes direct that tags must be used within the year.

Action on Motion: Brenden withdrew his amendment.

Action on Motion: No second to the motion. Motion failed.

Mulligan asked if another draw would be conducted if a supertag is drawn and cannot be used. Worsech replied the next name would be drawn after the tag has been returned to FWP.

Action: Workman moved and Mulligan seconded the motion to approve the Annual Lottery of Hunting Licenses (Supertag) Administrative Rule of Montana as recommended by the Department.

Colton said public comments had expressed concerns that this may become a drawing for the wealthy, and that is not the intent. Mulligan said if someone bought thousands of tags he would be concerned. He added that as a lottery dealer through his store, he does not feel economic status is a factor. In fact, people may spend more than they can afford on these chances. Brenden said this is a form of gambling, and he does not foresee anyone purchasing ten thousand tickets. Mulligan agreed, but suggested that it is indeed a point to keep in mind. He added that he didn't feel chances should be

limited this first year. Doherty asked if FWP can track who buys tickets, to which Worsech replied that yes, it can be done through the automated licensing system. Doherty asked if the statute provides the Commission the authority to limit the number of chances sold, to which Worsech replied to the affirmative. Doherty said changes could be made next year to limit the sale numbers if it is deemed necessary. Worsech stated that PLPWs intent was to generate as much revenue as possible, and keep chances open to everyone.

Action on Motion: Motion carried.

10. Amend ARM 12.11.501 – Index of Water Bodies. Bob Lane, FWP Chief Legal Counsel, explained that the Index of Water Bodies lists the bodies of water in Montana so individuals can locate specific waters alphabetically and find all the restrictions related to that body of water in one place. The purpose of this rule amendment is to add new rules recently enacted by the Commission relative to the Big Hole River, the Beaverhead River, the Blackfoot River, and to Georgetown Lake.

Action: Workman moved and Mulligan seconded the motion to approve the amendment to ARM12.11.501 as proposed. Motion carried.

11. Establish Biennial Seasons for Antelope, Deer & Elk – Final. Jeff Herbert, FWP Wildlife Division Assistant Administrator, and Gary Hammond, FWP Wildlife Division Management Bureau Chief, presented all of the wildlife issues and proposals.

Biennial seasons for antelope, deer, and elk would make the season setting consistent with moose, sheep, goat, lion, and black bear. This would be for establishing the season structure. The Commission will still retain the ability to make changes to quotas and permit allocations on an annual basis. Under the Adaptive Harvest Management Plan, when FWP needs to change package types, meetings within the local regions can address the situation so as not to stray from the guidelines.

Workman questioned whether it would accomplish much, as the Commission deals with issues every year anyway. Mulligan commented that as long as the Commission retains authority to make season changes when necessary, he sees this as a positive change, and feels it would save administrative work and time.

Action: Brenden moved and Mulligan seconded the motion to approve the biennial season setting process for Antelope, Deer and Elk as recommended by the Department.

Doherty stated that forty-four public meetings were held, and written public comments received by FWP were seventeen inches deep. Since the public meetings and comment period already provided opportunities for people to express their opinions, Doherty stated that comments at this meeting would be limited to amendments to the tentatives. No comments from the public on items with no change from the tentatives.

Action on Motion: Motion carried.

12. Limit of 5 Antlerless Deer and 2 Doe/Fawn Antelope Licenses Per License Year – Final. Jeff Herbert, FWP Wildlife Division Assistant Administrator, explained that this proposal is designed to limit the total number of antlerless licenses for both mule deer and white-tailed deer that can be

purchased during a license year to 5, and to limit the total number of doe/fawn antelope licenses that can be purchased during a license year to 2. Presently, there is no cap on the number of licenses that can be purchased in combination between regions, via surplus license offerings, or in individual hunting districts with unlimited quota offerings. Herbert said once social issues being dealt with is the ethical nature of someone taking 20 or 30 deer. Also, folks who purchase so many licenses preclude others from purchasing them.

Game damage hunts are not considered as a part of this. The Commission approved this proposal as a tentative, with the qualification that no cap would be applied in game damage situations.

In light of proposed changes to the tentative deer seasons to allow the purchase of up to 5 Deer B tags over the counter in some areas, Mulligan suggested raising both the whitetail and mule deer tags to at least 7. Colton supported increasing the number, but it concerns him when people buy more than 10 tags.

Action: Mulligan moved and Workman seconded the motion to increase the limit of antlerless deer tags to 7. Motion carried.

Action: Mulligan moved and Workman seconded the motion to adopt the cap of 7 antlerless deer licenses, as amended, and 2 doe/fawn antelope licenses per hunter per license year, with the caveat that the cap would not apply to game damage situations. Motion carried.

13. Separation of Game Damage Seasons from General 5-Week Season – Final. Jeff Herbert, FWP Wildlife Division Assistant Administrator, explained that this proposed season change will separate general seasons from game damage seasons. Game damage assistance, which may include early or late seasons, will continue to be provided to qualified landowners that meet eligibility criteria as defined by statute, administrative rule, and policy. Game damage is site-specific, and not intended for population control.

Public hearings were held in forty-four locations across Montana, written comments were accepted, and presentations were made to the Montana Stockgrowers Association, the Montana Outfitter and Guides Association, the Private Land/Public Wildlife Council, and Montana Wildlife Federation. Support for this proposal was mixed among hunters, landowners, and outfitters. Generally, there was support from sportsmen, resistance from outfitters, and landowners had varying opinions. Landowners who expressed support did so with the realization that general season liberalizations and streamlined game damage hunts will provide them the tools they need to address wildlife issues on their properties. Many landowners with outfitting did not favor eliminating customized seasons.

Brenden said it is the right of a landowner to deny access to his property if so inclined, and there will be those who close their land. He is concerned objectives will not be achieved. Colton said landowners have contacted him to inform him that they have had a lot of problems over the last few years. He said this is a step in the right direction, and added that the number one priority is the resource.

Mulligan stated that landowners have every right to control access to their property, however the Commission should not be designing the hunting seasons to facilitate those who choose to close their property so they can profit from the wildlife. Mulligan said the present system is not working, and

many landowners are tired of the long seasons. There may be some specific opportunities lost, but as a whole, opportunities will improve.

Action: Mulligan moved and Workman seconded the motion to approve the general 5-week season as proposed by the Department.

Steve Tomschin, Upper and Lower Shields Watershed said they are directly impacted by game damage hunts when elk disperse from the neighbor's land and relocate onto their land. His district has been under two years of the 5-week season, and elk numbers have increased.

Jay Bodner, MT Stockgrowers, said the general public would like to see the game damage regulations before the decision is made.

Colton said "we cannot create a rule until we create the mechanism". Brenden said it is imperative for FWP to keep records to see if the job is being done. If it is not being done, then another alternative needs to be developed. Doherty said if this does not work out, another option will be entertained. The Department will take a proactive stance.

Action on Motion: Motion carried. Brenden opposed.

14. Youth Hunting Opportunity – Final. Jeff Herbert, FWP Wildlife Division Assistant Administrator, explained that this proposal was to modify the age range for youth from 12 - 14 years of age to 12 – 17 years of age. Public comments were generally supportive for youth hunting opportunities, however there was disagreement on what the upper age limit should be. Concerns included the fear that older youth in vehicles, without supervision, would create problems – age 17 is too old. The decision on the youth age range will be consistent for all youth hunting opportunities.

Action: Mulligan moved to adopt the standard youth age range of 12-17 for all special youth hunting opportunities. No second to the motion. Motion failed.

Action: Brenden moved and Colton seconded the motion to adopt the standard youth age range of 12-15 for all special youth hunting opportunities as opposed to 12-17. (Motion is for age range).

Workman said the public in Region 1 were against the older age range, because there are concerns that too many kids will be out running around together with the potential to cause problems. Doherty said he, too, is concerned about youth 16-17 years old without supervision, and he added that ages 12-15 is consistent with waterfowl. The idea is to get kids out hunting with a mentor, and once they possess their drivers license, that mentorship may fail. Mulligan said youth are already out in their cars hunting. This simply gives them the opportunity I have greater success. He said some kids are not ready or interested in hunting until they are older.

Workman said he would like this category to include persons with disabilities. Herbert explained that there are already licenses established for disabled person who are only required to purchase a conservation license. There are 3,500 disabled licenses sold annually. Approximately 300 permits are issued annually to disabled persons for hunting from a vehicle. Workman said he is particularly concerned about persons who are wheelchair bound.

Action on Motion: Motion carried. (Mulligan opposed). (Motion is for the age range).

Action: Brenden moved and Colton seconded the motion to approve adoption of the standard youth age range of 12-15 for all special youth hunting opportunities, which includes the age range amendment. Motion carried. (Mulligan opposed.)

Mulligan is not opposed to the inclusion of 15 year olds, but is opposed because the age limit did not increase to 17.

15. 2006/2007 Moose, Sheep, and Goat Seasons and HD Boundaries – Final.

MOOSE

Regions 1, 2, 3, 4, and 5 - Moose

No recommended changes to the tentatives.

Action: Workman moved and Brenden seconded the motion to approve the Regions 1, 2, 3, 4, and 5 final Moose regulations as recommended by the Department. Motion carried.

BIGHORN SHEEP

Regions 1, 2, 3, 4, and 5 - Bighorn Sheep

No recommended changes to the tentatives.

Action: Workman moved and Colton seconded the motion to approve the Regions 1, 2, 3, 4, and 5 final Bighorn Sheep regulations as recommended by the Department. Motion carried.

MOUNTAIN GOAT

Regions 1, 2, and 3 -- Mountain Goat

No recommended changes to the tentatives.

Action: Workman moved and Brenden seconded the motion to approve the Regions 1, 2, and 3 Mountain Goat final regulations as recommended by the Department. Motion carried.

16. 2006/2007 Antelope, Deer and Elk Seasons and HD Boundaries – Final.

ANTELOPE

Region 1, 2 and 3

No recommended changes to the tentatives.

Action: Workman moved and Brenden seconded the motion to approve the Regions 1, 2, and 3 final Antelope regulations as recommended by the Department. Motion carried.

Regions, 5, 6, and 7 - Antelope

No recommended changes to the tentatives.

Action: Brenden moved and Colton seconded the motion to approve the Regions 5, 6, and 7 final Antelope regulations as recommended by the Department. Motion carried.

Region 4 – Antelope

Two recommended changes to the tentatives. (Create new LPTs 401-10 and 404-10, and offer 200 doe/fawn licenses in each LPT).

Action: Doherty moved and Mulligan seconded the motion to approve the Region 4 final Antelope regulations as recommended by the Department. Motion carried.

DEER

Region 1 – Deer

Recommended changes to the tentatives – delete tentative proposal to create a region-wide over-the-counter antlerless white-tailed deer license, and revert back to the 2005 antlerless white-tailed deer B quotas.

Action: Workman moved and Colton seconded the motion to approve the Region 1 final Deer regulations as recommended by the Department. Motion carried.

Region 2 – Deer

Recommended changes to the tentatives are as follows.

Delete the proposal to make antlerless white-tailed deer licenses valid only in HD260 and not the adjoining districts, and replace it by making LPT260-10 valid from September 2 – January 15 in all of HDs 204, 240, 250, 260, 261, 270, and 283.

Delete the proposal in 260-60 to make antlerless white-tailed deer permits valid only in HD260 and not the adjoining districts, and replace it with 500 “B” licenses for shotgun, traditional handgun, muzzleloader, or crossbow for antlerless white-tailed deer valid from December 1 – January 15. Successful applicants would be eligible to purchase up to 4 additional “B” licenses valid in HDs 204, 240, 250, 260, 261, and 270.

HD280 – corrected dates from Oct 22 – Sept 15 for youth to Sept 15 – Nov 26 for elk.

Action: Workman moved and Mulligan seconded the motion to approve the final Region 2 Deer regulations as recommended by the Department. Mulligan noted that these are weapons restricted areas. Motion carried.

Region 3 – Deer

Several recommended changes to the tentatives.

Tentative:: Create LPT, 320-10, 333-10, & 340-10: Eliminate LPTs 320-00, 333-00, and 340-00, which were valid prior to the general gun season, and replace them with an over-the-counter unlimited antlerless WTD ‘B’ license valid during the archery and the general gun season.

NEW RECOMMENDATION: ADD LPT 312-10 TO THE LPTs IDENTIFIED ABOVE (320-10, 322-10, 333-10, 340-10), AND INCREASE THE NUMBER OF WTD ANTLERLESS ‘B’ LICENSES THAT CAN BE PURCHASED IN THIS HD OR IN COMBINATION WITH ‘B’ LICENSE OPPORTUNITIES IN OTHER HDs TO 5. ELIMINATE THIS LPT, WHICH WAS 75 ANTLERLESS WTD ‘B’ LICENSES.

Special B Licenses. Purchase at License Providers or Online.

388-20: Unlim B licenses.

Weapons Restriction Area

- Aug 15 – Nov 26

- Either-sex mule deer.

NEW RECOMMENDATION: *Change to antlerless mule deer

Exclusion Zone

- Sep 2 – Oct 15

- Either-sex Mule Deer. **Archery Only Season.**

NEW RECOMMENDATION: *Change to antlerless mule deer

- Oct 22 – Nov 26

- Either-sex mule deer.

NEW RECOMMENDATION: *Change to antlerless mule deer

NEW RECOMMENDATION: Deleted "Legal Description: US Forest Service lands located in the following sections north of Yellowstone National Park in Beattie Gulch. Sections 7 & 8, T9S, R8E and Sections 12 & 13, T9S, R7E."

Action: Mulligan moved and Workman seconded the motion to approve the final Region 3 Deer regulations as recommended by the Department. Motion carried.

Region 4 – Deer

One recommended change to the tentatives. Prohibit deer hunting in the closed area of Freezeout Lake WMA coincident with waterfowl dates.

Action: Doherty moved and Colton seconded the motion to approve the final Region 4 Deer regulations as recommended by the Department. Motion carried.

Region 5 – Deer

There were no recommended changes to the tentatives, however Colton expressed concern that with the new 5-week season reducing harvest opportunity by 2 weeks, not enough whitetail deer will be harvested. He proposed adding over the counter antlerless whitetail permits available region-wide to the regulations.

Ray Mule', FWP Region 5 Wildlife Manager, explained that to remain consistent with the new 5-week season, the tentative proposal eliminated the current two-week season extension for whitetail deer antlerless B licenses in LPTs 597-00, 598-00, and 599-00. Adding Colton's proposal for over-the-counter tags would contribute toward lost resident opportunities created by elimination of the extension period.

Action: Colton moved to approve the Region 5 final Deer regulations as recommended by the Department with the amendment to add over-the-counter region-wide antlerless whitetail residents-only permits.

Action on Motion: Mulligan amended the motion to include non-residents. Brenden seconded the amendment.

Mule' said antlerless B licenses are already available in Region 5 for non-residents through the drawing. There are surplus tags so nonresidents are provided significant opportunities. Mule' said since this is the first time Region 5 will offer these over-the-counter tags, they would like to ease into it and evaluate the results. Their preference is for the tags to remain available only to residents for now.

Action: Motion carried as amended.

Region 6 – Deer

No recommended changes to the tentatives.

Action: Brenden moved and Mulligan seconded the motion to approve the Region 6 final Deer regulations as recommended by the Department. Motion carried.

Region 7 – Deer

One recommended change to the tentatives Special B Licenses Purchased at License Providers or Online.

NEW RECOMMENDATION: 007-10 = Deleted “NonRes from LPT007-10, affecting HD’s 700, 701, 702, 703, 704, 705).

WOULD RESULT IN: Over the counter B licenses. Residents only. Single Region 7 Antlerless White-tailed Deer. Valid in all Region 7 HDs.

Action: Colton moved and Brenden seconded the motion to approve the Region 7 final Deer regulations as recommended by the Department. Motion carried.

ELK

Region 1 – Elk

No recommended changes to the tentatives.

Workman stated that he has heard concerns from the public regarding the populations.

Action: Workman moved and Colton seconded the motion to reduce antlerless licenses in HDs 110, 130 and 140 to 5. Motion carried. Brenden opposed.

Action: Workman moved and Mulligan seconded the motion to approve the Region 1 final Elk regulations as recommended by the Department. Motion carried. Brenden opposed.

Region 2 – Elk

Several recommended changes to the tentatives. (283-80, 204-70, 213-80, 250-70, 250-71, 282-20, 283-00). Changes will reflect the 5-week season action of today’s meeting.

RECOMMENDED CHANGES: 283-80 Sept 2-14 Offer the 25 successful applicants for 283-80 an opportunity to purchase an A9/B12 archery equipment only license for the Rattlesnake Wilderness area.

204-70 = Added “Only valid north of Wheelbarrow Creek” to Special antlers Elk Licenses (A7), Drawing Only.

213-80 = Deleted 2nd Antlerless Elk License LPT in Special Elk Permit, Drawing Only.

250-70 = Changed from 100 licenses to 25, and valid only in northeast portion of hunting district, and Deleted 250-71 in Special Antlerless Elk Licenses (A7), Drawing Only.

282-20 = Corrected youth ages from 12-14 to 12-17 in Special Elk Permit, Drawing Only.

283-00 = Added “Valid in entire HD” in Special Elk Permit, Drawing Only.

Action: Workman moved and Mulligan seconded the motion to approve the Region 2 final Elk regulations as recommended by the Department. Motion carried. (Brenden opposed).

Region 3 – Elk

One recommended change to the tentatives (HD309 Gallatin Valley Weapons Restriction Area).

RECOMMENDED CHANGE: 309: Extend the antlerless elk season in the Gallatin Valley Weapons Restriction Area from December 15 to January 15.

Action: Mulligan moved and Workman seconded the motion to approve the Region 3 final Elk regulations as recommended by the Department. Motion carried. (Brenden opposed).

Region 4 – Elk

Three recommended changes to the tentatives.

RECOMMENDED CHANGES: 425-20: Increase either-sex permits from 2 to 5.

HD426 = Deleted “Sep 02-Oct 15 Antlerless Elk. Archery Only. Only Youth ages 12-17” in General Elk License.

HD447 = Deleted “Antlerless Elk. Archery Only Season. Only youth ages 12-17 for Sep 2 – Oct 15” in General Elk License.

Action: Doherty moved and Mulligan seconded the motion to approve the Region 4 final Elk regulations as recommended by the Department. Motion carried. (Brenden opposed).

Region 5 – Elk

No recommended changes to the tentatives.

Action: Colton moved and Mulligan seconded the motion to approve the Region 5 final Elk regulations as recommended by the Department. Motion carried. (Brenden opposed).

Region 6 – Elk

Two recommended changes to the tentatives.

TENTATIVE: LPT 621-00 & 622-00: Eliminate early youth season on CMR Refuge during Oct. 19-21.

RECOMMENDED CHANGES: Continue with 25 antlerless elk youth permits during the Oct 19-21 time period valid only on the CMR portion of HDs 621 and 622 .

- Add 25 early season antlerless elk youth permits for the Oct 19-21 time period valid only on the CMR portion of HDs 631 and 632.

Action: Brenden moved and Colton seconded the motion to approve the Region 6 final Elk regulations as recommended by the Department. Motion carried.

Region 7 - Elk

No recommended change to the tentatives.

Action: Colton moved and Workman seconded the motion to approve the Region 7 final Elk regulations as recommended by the Department. Motion carried. (Brenden opposed).

17. 2006/2007 Lion Seasons and Hunting District Boundaries – Final. Jeff Herbert, FWP Wildlife Division Assistant Administrator, presented the mountain lion recommendations for final decision.

FINAL LION SEASON RECOMMENDATIONS: It is important to recognize that the hound-training season, available to resident hound handlers only, will continue to provide an important chase and training opportunity irregardless of the harvest management regulations adopted by the Commission.

There are three alternatives available to the Commission. The first option (#1) would be to retain the quota-based harvest management approach currently in place. This option provides the most flexibility from a lion hunter standpoint but does not address several important management issues (quota overruns, compressed season length, allocation of harvest) and our long-term ability to maintain lion hunting as a viable management tool.

The second alternative (#2) would be to adopt limited permits for a majority of districts in Region 1 and create a combination of limited permits and a harvest quota for most districts in Region 2. Region 1 would retain 5 quota-based units (132, 140, 141, 150 & 151, 170) and Region 2 would have 4 permit-only units (210, 211 & 216, 213 & 214, and 282). The total number of regional lion permits will be used to determine the 10% nonresident quotas. Nonresident allocations will be applied to those districts with a permit level of 10 or more. Any remaining allocation, will be put, on a rotating basis, in those districts with a permit level of less than 10 similar to nonresident moose, sheep and goat licenses. Nonresident HHP (Hunting Harvest Permits) will be eliminated. Under this option, the remainder of

the state would retain the general quota-based system. This proposal addresses the issues noted above but does not deal with the potential problems resulting from hunter shift nor the perceived high demand for permits in certain locations. These were important issues documented during the public comment process.

The third alternative (#3) includes several new options that have been developed as a result of the public comment process. Alternative #3 would include limited permits for R1 and limited permits/harvest quotas for R2 as noted above. It would also include the exceptions as noted. Again, this approach is designed to reduce quota overruns, utilize more of the available season length and more equitably distribute harvest among the various user groups. Application for a limited permit opportunity would preclude a lion hunter from participating in any of the harvest options listed below. An unsuccessful applicant for a limited permit would only be able to chase lions during the winter period. Three options have been added that seek to address the issue of hunter shift and high demand for the limited permits. All three represent the use of a license validation similar to what has been used for mule deer buck and black bear hunting in various regions of the state. Hunters purchasing their lion license would be asked to validate for one of the following:

- R1 and R2 Fall Season (hunting during the general big game season without dogs)
- R1 and R2 Winter Season Quota-based districts (dogs may be used to harvest lions within established quotas in these regions)
- R3 through R7 Fall and Winter Seasons (valid in all regions for lion hunting during both the general big game season without dogs and during the winter season with dogs, all harvest subject to established harvest quotas).

By validating their lion license at the time of purchase, these hunters would not be eligible to apply for one of the limited permits. Purchase and validation would be cut-off at a specified time.

This alternative would include a 40% female sub-quota for permit holders.

An example of a draft Mountain Lion Permit Application is attached for your review. A May 1 application deadline has been proposed to coincide with Moose, Sheep and Goat licenses. Final Lion quotas will be adopted by the Commission at their June 8 meeting and the permit drawing could occur shortly thereafter.

The intent is to maintain a lion season that can be defended as being responsive to lion populations. Proposed changes to the tentatives are based on the considerable amount of public comment received. Three validation options would be available when houndsmen purchase the mountain lion license. Herbert said comments from the public reflected some concern that hunting opportunity may become limited if a permit system is instituted. Other options were looked into, but it is difficult to keep from overrunning the quotas.

The first option is for the Region 1 and Region 2 fall season, which is hunting during the general big game season without dogs. A person would purchase a mountain lion license, and would validate for that opportunity type if they were interested in hunting during the fall season.

The second option is a Region 1 and Region 2 winter-quota-based season, which would continue to utilize the approach in place now, in terms of regulating harvest by quotas. The districts in Region 1 that would continue to be managed under a quota-based system would be HDs170, 132, 140, 141, 150

and 151. Those areas are districts that have not experienced quota over-run, are tougher to hunt, and road access is more limited. In Region 2, there were districts that retained the quota-based approach, and districts in which limited permits were recommended. The recommendation to get the license validated for quota-based seasons is to make that designation at the time of purchasing the license. Most of the districts in Region 2 would continue to be quota-based. Region 1 hunting districts, and Region 2 HDs 210, 211 and 216, 213, 214, 270, and the east portion of 292, would go to a permit-only limited entry system. If applying for one of these permits, a person could not validate for one of the other options. A drawing would be held, conservation license required, and those successful applicants would have to purchase a mountain lion license and be validated for that particular district.

The third quota-based option covers Regions 3 through 7 during the fall and winter seasons. This option would allow, with proper validation, hunting during the general big game season without dogs, and hunting during the winter season with dogs.

The FWP Licensing Bureau and ALS folks have indicated that the current computer system can handle these demands.

Mulligan asked what the basis was for selecting the Region 2 districts for permits. **Mike Thompson, FWP Region 2 Wildlife Biologist**, explained that these districts, in the eastern part of Region 2, were lagging behind the trend of the rest of the districts across the region. These districts have low quotas and would be difficult to administer. It is difficult to harvest one or two and then close the season, so they felt the permit system would work well. HD270 is an exception – it adjoins the other districts, so serves as a source population district. Also, the lion study area adjoins these districts.

Region 1 – Mountain Lions

Mulligan asked if the basis for selection in Region 1 for permits was to include everything except the backcountry area that is difficult to reach. **Jim Williams, FWP Region 1 Wildlife Manager**, said some districts east of Kalispell typically do not fill or fill at a slower rate, so they could be left open. The rest of the areas fill in December within one to two weeks.

Herbert said 40% female subquotas were assigned to those districts that are proposed for permit areas. Female subquotas are used in other districts, and the intent is to regulate the harvest on reproductive females, but mistaken identity is of major concern in Region 1. In the past, the region has not recommended a female subquota under an open quota hunt because districts fill in 1 to 4 days. Under a limited permit scenario, where the hunt is open until April, the region would be more comfortable in recommending a female subquota. Brenden asked if there had been problems with the wrong animal being shot and killed. Williams said as it is now, regulations are for any legal lion, and for that reason they have not had problems, but in a 1 to 3-day hunt, it would be easy to envision problems with a race type scenario, which would directly impact the females.

Herbert said those applying for a limited permit in Region 1 or Region 2 would not have the opportunity to validate for other options. Under this proposal, they waive the right to kill an animal if they apply for the permit in the region. Herbert said that this has no effect on the training and chase season – houndsmen must purchase a training permit.

Mulligan asked if the Department had compiled any projections as to whether there will be a significant number of people that will apply for the permit and not be able to hunt, or if there is a

smaller number that will apply and then shift to another area. Herbert said discussions have included application rates, waiting periods and effects, but at this point, it is unknown what the application rates will be. The only experience the Department has had relative to the perceived shift in hunting pressure was the implementation of the HHP permits for nonresidents in Region 1, and it is anticipated that there will be a shift for non-guided non-residents. Workman said that in Region 2, 43% of the lions killed were by non-residents, so instead of taking opportunities away from residents, an increase of 33% for residents may be realized.

Action: Workman moved to adopt the final Mountain Lion seasons as proposed by the Department with the following changes: 40% female subquota, and inclusion of the language wherein if you are going to apply for a permit, you are relinquishing your opportunity to hunt anywhere else in the state in the fall season and quota-based season.

Doherty seconded the motion, and then restated it for clarification: To adopt the tentative Region 1 lion permits in those districts that have proposed permits and in those districts that there would be a quota as is identified, with a 40% female subquota, and validation. By going to permits in those districts, you automatically impose a 10% quota for non-residents.

Mulligan – “if the areas that are left on the quotas are left there because they don’t fill, why do we not add the female subquotas?” Brenden – “if we don’t proceed with the permits, and we go the other direction, the way it has been, what kind of process will we have if you want to be in line with our other permits, in the sense to cut down on non-residents, and give more opportunities to Montana residents?” Herbert – “the commission has statutory authority to limit the number of non-resident lion hunters. How you do it other than through permits, I am not sure of because essentially you want to deal with it as a hunting district, and I don’t know how you get there with a different approach. The only thing that I would say there is if you take that approach, you want to make sure that there is an equitable resolution there that doesn’t leave ourselves open for challenge.” Mulligan suggested “10% of the quota be outfitted similar to the goat tags.” Herbert – “what you are saying is you would impose a 10% limit on the quota for nonresident harvest at the hunting district level.” Mulligan – “if you had a quota of 20 cats, you would have 2 permits that would be in a drawing for non-residents for that district.” Herbert - “so you are putting non-residents on permits, but you’re not residents on permits?”

Bob Lane, FWP Legal Counsel, said the statute says the Commission can regulate nonresidents differently than residents, so the Commission can place restrictions on non-residents that are not placed on residents. Equity decisions are policy decisions that are up to the Commission’s discretion. Placing non-residents on a permit system would be allowable.

Mulligan – “my concern is do we really understand what we are accomplishing and what the end results are? It is unclear what the end results of these particular proposals are. Would limiting the non-residents through permits – what would that do to the race situation?” Herbert - “a couple of things that come to mind are if you are taking 10% of a district’s quota, if we have a quota less than 10, then we are down to a quota of 1 for a non-resident. In districts where we have quotas that are that low, that is tough to regulate without a quota overrun if you have the right kind of conditions”. Mulligan - “we would have a permit not a quota which wouldn’t be overrun”. Herbert – “then we would have to do what we do for moose, goat & sheep, and you would have to go through and figure out in a given year – because if you’ve got anywhere from 0 to 9 permits, a non-resident couldn’t apply. We would have to go through and figure out which of those would be an option that year for a non-resident to apply”. Mulligan – “just let me ask another way. We’ve had some information on what the take is by non-

residents on quotas. Is it a direct correlation to those folks that are out chasing and hunting? Is it roughly the same percentage as the non-residents out on the ground?" Jim Williams - "it is a complex issue. I guess we could take one step backwards and if we are real careful, and I can tell you, based on the data and the biologists, this was not an anti-non-resident proposal, anti-outfitter, because residents are in there just as much as non-residents in this race, if you will, scenario. I don't know if I can answer your second question. We don't see the non-residents chasing." Mulligan - "I guess let me put it this way, maybe it will clarify it - is it the majority of the nonresidents that are taking cats? Are they with an outfitter?" Williams - "the majority yes, however, we do have some HHPs in place limited to 10% of each quota that are out there, and the success is very low with those individuals. Right now the majority of the non-residents are outfitted non-residents." Mulligan - "ok, but looking at the number of dogs and people out on the ground with outfitters, compared to the residents, how does that balance at any one time?" Williams - "all I can speak is most recently that the information is 47 lions in Region 1 out of 109 total. It's 50/50 this year. Last year it was around a 50/50 harvest. How many are out there actually looking for them we don't know. That's just dead animal data". Herbert - "50/50 by residents?" Williams - "Correct".

Doherty asked for public comment. He noted that the Commissioners have received phone calls, read the letters, and have talked with folks on both sides of the issue. Public comment:

Unidentified gentleman - Overrun with hunters. Call-in system needs changed. Eliminate 24-hour waiting periods.

Don Clark - lion management has been a fight for 24 years since quota system was initiated. Limited entry permit system would solve many problems in NW Montana. He urged to vote for permits for lions. It is illegal for a resident hunter who is not an outfitter to guide a non-resident hunter.

Sanford Shrout - against permit system. Validation will be a mess. Permits will decide who kills a cat before hunting.

Matt Walker - against permits and validation. Wants quota system to remain. Would like to see the commission restrict nonresident lion hunters.

Grover Hedrick - only one cat has ever been misidentified. Many people cannot tell the difference of sex. Those complaining about the race to kill a lion are killing the most lions. It is a race to kill.

Mac Minard - MOGA - frustration when FWP moves into management options. The public only has a portion of the information that decisions are based on. The 40% non-resident take is an issue to residents.

Greg Houska - information overload and lack of information. He questioned the cost of the permits.

Worth Nixon - used to a lot of cats in the 1970s. He is sick of the race and is in favor of permits. No quality hunts anymore - first come first serve to shoot cats. The season is short and many cats are only yearlings. A permit system would help avoid this. The quota system worked in the 1980s, but too many hunters out there now. Has a problem with so many animals going to out of states.

Lee Carlbom - subquota would work – does in R4. Against permits. Outfitters should quit taking non-residents hunting. Any decision by the commission will move all the hunters to his side of the state.

Rebecca Doyle - cap non-residents.

Jeff Koskula – permits are the one thing that will solve it all. We need to manage animals correctly.

Brenden asked how many licenses are issued statewide, and how many are in Region 1. Herbert said in 2005, nearly 7,000 were sold, of which 6,680 were residents, and 313 who were non-residents. In 2004, 6,791 lion licenses were sold, of which 6,478 were residents and 313 were non-residents. In 2000-2001, approximately 5,500 licenses were sold, and in 2002-2005, 7,000 were sold. Williams said in 2004, 1,439 resident licenses were sold in Region 1 prior to the August deadline. He had no available statistics on the non-residents, but it would be much more limited. Workman said it is unknown how many of that number were just for the fall hunt season with no chase. Mulligan said it is also unknown how many licenses were sold to other regions.

Brenden is concerned that the permit process could become very restrictive. He understands the concerns about non-resident hunters harvesting lions, however Montana realizes economic benefits through non-resident hunters as well. He shared his concerns regarding 50% of non-residents receiving hunting opportunities, and stated that there is a 10% non-resident limit on moose, sheep and goat licenses. He said it outrages him when outfitters become protective and territorial, but he said he understands that outfitting is their job. He would like to see a process that would keep the non-resident in line percentage-wise even if a permit system is not established.

Workman explained that the mountain lion permit process started a year ago. He said “I have been talking about mountain lions for a solid year. There is not a majority on one side or the other. It was suggested to me that the race scenario, the quota overruns, and the amount of out of staters, was a problem, and please look into it. We had a meeting in Missoula with FWP staff, including Rich DeSimone who has been doing this for 30 years, and out of that meeting came the recommendation that we should look forward, and go to permits for all of what was considered a problem. Now we are to this. We have made some compromises from going to 100% permit. We’ve changed some ideas as far as validations, and John, I think from anything that I’ve able to get from this, that it’s one of the main reasons why people are concerned about going to permits is what you were just saying that people feel “I’ve put in for moose for 25 years and never going to get a cat”. I don’t believe that at all. I think the odds of pulling a cat out of some districts – there’s a couple in northwestern Montana - that a lot of people will probably apply for because it’s where everybody’s been seeing that great big tom. But there’s probably other areas that we may well have to go back to a quota system to some extent to get enough hunters in there to manage. There is nothing that tells us that it’s going to be anything at all like moose, sheep, and goat as far as for the difficulty of the draw. Tim made a statement a little bit ago about how the majority of Montanans were not for the permit system. I don’t know – if you take out the money and you take out the amount of form letters that were filled out in ‘Anybar Montana’ by a anti-permit person, it’s downright 50/50 from people who are either for or against it. And then you throw in what FWP staff tell us is a better way to manage these cats, I’m just not seeing why we’re not jumping all over this. I have heard from so many people, in particular the older houndsmen, older lion hunters who have been doing it for 50 years who say ‘boy I sure hope you are successful because I am so sick of not having a quality hunt – it’s not there’. We are not providing today a quality hunt for Montanans, in regard to hunting mountain lions in Region 1. It’s been suggested that we’re reducing

the opportunity for Montanans to hunt, and I absolutely disagree. I think we're going to increase the opportunity, mainly by cutting back the amount of out-of-staters that are killing the cats. Houndsmen are saying 'I want my kids to be able to get a lion in the next couple of years'. They can't now! I mean if you were going to take them out of school for a week and put them in that race scenario-- wouldn't it be much better for them to draw a permit and have a full three-month opportunity to have a quality hunt? It certainly would be with my child. I wouldn't do that to them. I also would not apply or be a part of it myself as a Montana hunter. I think that I am speaking for a lot of people across this state that have always thought 'well, I'd like to be like those mountain lions and get one cat in my life' because I have heard over and over and over from houndsmen all throughout this room and all across the region 'I've only really killed one and don't really care to kill another one unless it's a monster'. As far as for the outfitters and the potential loss of income, I think there's going to be more people like myself who are going to need outfitters if we go to permits. The difference is going to be that they have to work for three months rather than getting all their work done in one week. It's also been suggested that houndsmen won't be able to afford to feed their dogs, and if they can't kill a lion every year they're going to get rid of their dogs. Every houndsman that I have had a chance to sit down with face to face that have suggested that, I have looked back at them and said 'are you going to tell me, as much as you love your dogs, if you can't kill a cat for a couple of years until you draw a permit that you're going to get rid of your dogs?' Every one of them have said 'no, of course I'm not getting rid of my dogs'. The absolute, bottom line is my first statement – quality of hunt for more Montanans is the reason why I have, and why staff has, proposed that we go to permits for the majority of the hunting districts in Region 1."

Colton - "If we approve permits, we don't have any waiting period, correct?" Colton said he had heard from people who were supportive of a waiting period.

Workman - "We talked about that at some length, and it just seemed like, as with everything that we do here, that it all evolves, and there may well not be a need for it. If there is, we can certainly implement it in a year or two. If anything, we may have problems with having enough people put in for some of these areas, so that's why that wasn't brought up".

Colton – "The recommendation of the Department to establish a female subquota in a straight quota system is going to be very difficult to implement. We might have an equally difficult time in creating a non-resident subquota in the quota system."

Jim Williams said in the 1980s there were female subquotas, but it became difficult to manage with all the houndsmen. It is easier under a permit hunt – they can hunt until April and take their time rather than participating in the race that currently goes on. He said the Department literally opened 100 one day, and had to close it by 10:00 that same day. It would lengthen the seasons, and hopefully the target would be identified.

Mulligan - "I understand what Jim is saying, but it's a really sad comment on the sport. And that in itself tells us something has got to be done. Are we going to not have branched antler elk seasons because people want to be able to shoot at 500 yards and they don't have time to find out whether or not it's branched or not?"

Colton – "I have to agree with Tim's sentiments. It's a tough issue".

Doherty restated the motion – to adopt the tentative region 1 lion permits in those districts that have proposed permits and in those districts that there would be a quota as is identified, with a 40% female

subquota, and validation. By going to permits in those districts, you automatically impose a 10% quota for non-residents.

Colton – “So you’re going on a rotating basis for those districts that have a number less than 10. Are you going to use any biological data for that?”

Herbert – “It is a social allocation – it’s not biological. You simply rotate through those districts where you have less than 10, and you would have a permit or two available for non-residents.

Colton – “There seems to be a bit of a biological component to it if nonresidents are the ones harvesting much more, as far as our predictions, of the percentage of harvest.”

Doherty – “Why is it any easier to adopt a 40% female subquota in a permit system than in a quota system?”

Williams - “Because of season length. Conceivably if a houndsmen or lion hunter drew a permit, he could hunt until April and take his time without the atmosphere that’s currently in place. We have literally opened – I remember two or three years ago we opened one district one day and closed it down by 10:00 a.m. that morning and still went over the quota by 100%. Under a permit system, it would get rid of the compressed seasons and lengthen them out.”

Doherty – “So you are more likely to take your time to shoot, to know your target before you pull the trigger?”

Hagener – “It also gives us a much more limited number of people we call to tell that the females have been shot. You only have to call the two or three that haven’t harvested.”

Mulligan – “There’s no doubt in my mind that, as I said earlier, something’s got to be done with this situation in Region 1 and Region 2, and there’s really not much doubt in my mind that given time, we probably will get to permits. I guess what I’m struggling with is, I don’t get the answers I need that tell me what the consequences of this proposal are going to be, how many people are not going to apply for these and the shift into other areas of the state. I suspect it will be pretty significant, and I didn’t really get an answer as to if we addressed the non-resident, would the race be reduced to an acceptable level without having to reduce the opportunity for the residents. I personally would rather see us go through a process of limiting the non-residents as we do in all big game situations where there is a very high demand for a small number of critters. See what the consequences of that are, and then let the houndsmen in the field – the resident houndsmen – to decide whether they are going to go to permits or have the opportunity by their behavior. That would clearly be their decision in the field as to whether they were going to go to permits if they continue with the race to shoot the first cat, not knowing what it is. I don’t feel comfortable taking this big of a jump without having the information, although I also struggle because I suspect that eventually we will get there.”

Workman – “We’re not going to know until we do it. We’re not going to know how much shift we’re going to have until we do it. And we may be worrying about nothing. If it does turn out that there is a lot of shift, a couple of years from now, we’ll have to deal with it. We don’t want to have deal with this again in a couple of years. Everything says that this is where we are going to go at some point in time, so to not go with permits because we don’t know where it’s going to take us ...”

Mulligan – “I think there could have been some more work done, some more studying, looking at what was sold, to give us more information than where we’re at now, because this validation process came in fairly late. But we also won’t know if the problem is resident or non-resident unless we take that first step of non-residents first. We will forever have the folks that are adamantly opposed to permits for residents trying to undo it. I’m not sure how long it would take them to undo it”.

Workman – “I don’t want to debate, but the main reason why people don’t want to go to permits is number one, money - loss of potential income or fear thereof. Number two is fear of not being able to get a permit. I don’t think we can, or should, be making decisions in managing our wildlife in looking at whether or not somebody makes money off them. I think with the other changes that we have made, that the main fear of not going to get a permit is going to go away.”

Brenden - “I think there are very good arguments on both sides of this issue. There is enough doubt in my mind that I think that it would be very easy for this next year, to go with a quota system and limit our non-resident situation, and do some refinements there, see how it works. I agree with you, Vic, we don’t know what’s going to happen, we don’t know how many people are going to put in for a permit if a permit process goes, and we don’t know if it’s going to shove people into eastern Montana or the other regions. There will be a domino effect. There could be unintended consequences by going to far on this. I’d like to do some moderation on this, and give it a year, and then if that doesn’t work, you can figure it out”.

Herbert – “What Commissioner Brenden said is real important. It deals with the frustration. There is uncertainty out there in terms of what some of the consequences will be. It seems what is imperative here is we do have some issues, and decisions that you make now should help guide us towards a resolution, and we can take the opportunity to experience how this will evolve. That’s why I would argue against status quo, because we will be back here in one or two years doing the same thing.”

Workman – “Doing nothing is not our job! There is a problem - we should be trying to fix it.”

Colton – “I don’t want to see the status quo exist any longer, but I’m not ready to go this far. If hunters get so excited they don’t want to sex a cat in a tree, well.... We’ve got some problems.”

Brenden – “Vic, I agree that we shouldn’t be money driven, but the fact remains we are. We’re (FWP is) money driven by people in the outfitting business, and the hunters, and the recreational business. They are not going to go out and do it for nothing. We’re money driven from the standpoint of non-residents coming and paying for licenses, and residents paying to do things. You can’t take money out of the equation.”

Doherty – “Lets assume that in Region 1 everything is quotas. Then let’s assume we have a 40% female subquota in Region 1, maybe by district. Then let’s assume we have a 10% non-resident for Region 1, however that’s filled. Maybe region-wide. I don’t know how you would do it by hunting district. Then let’s assume that if we set up a licensing system where if you buy a license to hunt lions in Region 1 under this quota system, whether you are a resident or a non-resident, you can’t go into the spillover anyplace else. Theoretically, is that possible to do? Non-residents can buy 300 licenses, but out of the 130, if 13 cats are taken by non-residents, then it’s done. That may increase the race prospects, but if you want to put a quota on resident cat taking, you’ve just done it”.

Herbert – “My concern with that is that if we have a race in competition and overruns in some districts, in some years, by the time you create several subquotas within that, it makes tracking that more difficult, and you are likely to overrun small quotas to a greater extent than you would larger ones.”

Doherty – “The other thought that I would have is that if there are overruns in those smaller districts as there have been, then I think that, in my mind, if that were to happen, and anybody opposes permits, it would be a cold day when that argument wins. I don’t care what people think about their right to hunt mountain lions -- we have a right to drive cars but you can’t drive 75 in a school zone. We can put limited restrictions on things.”

Brenden called for the question. Doherty said the vote is on Workman’s initial motion of permits and quotas as recommended by the Department in Region 1 with a 40% female subquota and validation.

Action on Motion: Motion carried. Three in favor - two opposed. (Brenden and Mulligan opposed).

Region 2 – Mountain Lions

Herbert said the recommendation for Region 2 includes quotas in those districts listed, with the exception of permits in HDs 210, 211 and 216, 213, 214, 270, and 292. The other part gets rolled up with what has been discussed as part of the Region 1 recommendation, where a hunter buys a lion license, validates for those districts that have quotas, validates for the fall season without dogs, or applies for a permit in those limited permit areas. “In the initial recommendation we did not allow somebody to validate in Region 1 or Region 2 for the fall season, or Region 1 or Region 2 for the quota season. You can make those exclusive of one another, or you can make them a combination.” Herbert further explained – “You adopted validation for the Region 1 fall season and the Region 1 winter season with quotas, and you also adopted permits. In Region 2, we have the same concerns that you could validate for the fall season, you could validate for any of those districts in combination in total for quota based, or you could apply for a limited permit. The other wrinkle there, was that when we initially put that together, those things were combined. It was Region 1 and 2 fall season, and Region 1 and 2 quota based areas, which is broader geographically than if you start paring those down and making them specific to a region”.

Workman – “What would staff recommend that will be the least amount of additional regulations and the easiest for the public to understand?”

Herbert – “It depends on where you’re trying to get. If you include Region 1 and Region 2 as a fall season component, and you include 1 and 2 from a quota-based standpoint, you’re providing a larger range of opportunities to somebody who has validated for that choice. If you are concerned about hunter shift between Region 1 and Region 2, then dealing with that issue relative to those quota-based areas would be an issue.”

Mulligan – “I know as a license agent, the fewer number of choices the better. If we would make the choice of separating, having a Region 1 validation for fall season, and a Region 1 validation for quota season, and a separate Region 2 validation for the fall season, and a separate Region 2 validation for quota season, are we at risk of having very few people validate for the Region 1 either fall or winter quota?”

Jim Williams – “Potentially yes. What I have heard from all the houndsmen is that the better we can make the odds, the more they would like that. In terms of numbers of people hunting, I couldn’t answer any more specifically. We’ll have to wait and see”.

Action: Workman moved and Colton seconded the motion that validation be required on the fall season statewide. Motion carried.

Action: Colton moved to approve the Region 2 mountain lion regulations as recommended by the Department. Workman seconded the motion with the amendment to include validation language as was approved in Region 1, and the female subquota of 40% in any districts that go to permits. Colton accepted the amendment.

Workman – “I am somewhat concerned as to how, and why, staff recommended the five different areas of permit, and what was the rationale for not going to permits across the board? I really hope that part of that recommendation did not include that thing that drives us all – money. Because in my view, it should not be a part of whether or not we go to permits or whether we stay quota”.

Mike Thompson said our notion on how to approach this is not the same scenario as Region 1. The situation in Region 2 is different. He said if they had the same conditions in Region 2 as they do in Region 1, they would come to the same conclusions. Region 2 is a totally different social environment, different political environment, and different biological environment so they don’t see the races. Region 2 has had quota by sex in place since 1996, and there has not been a race so bad that it couldn’t be managed. Thompson said when they went out to the public for comments, they heard strong opinions on both sides of the issue. The only problem they have had with the quota system is in getting prompt closures.

Workman – “Is HD202 and HD203 not a race scenario, considering that it closed in about 10 days, and 8 out of the 13 cats killed in those two districts went to out-of-staters. That sounds like a race scenario to me, and a perfect scenario for why we just agreed in Region 1 to go to permits.”

Thompson said it is a race scenario in other people’s mind’s too, but the people actually at the meetings were not concerned. In general, what the region has heard, is that hunters would like to address the non-resident issue.

Colton – “In the Region 2 proposal, is the intent still to impose a 10% non-resident limitation?”

Herbert – “If you go to permits. If you look at the numbers for Region 2, those areas that have permits generally have female subquotas, except if they are trying to increase populations.”

Mulligan – “Out of the Region 2 districts, which ones, and how many of them have been over-quota on a regular or semi-regular basis?”

Mike Thompson – “Four hunting districts were over-quota – 200 and 201 on the male side by 1, 202 and 203 on the female side by 2, 250 on the males by 3, and 290, 291 and 292 on males by 3.”

Mulligan – “Over the last five years, do you know how many have been over-quota?”

Thompson – “We’re used to seeing one or two in these same districts.”

Action on Motion: Workman amended the motion to withdraw the action on 40% female subquota, and then added that all the hunting districts in Region 2, except the Special Management Area in Missoula, go to a limited permit draw system.

Action on Motion: Colton withdrew his motion.

Action: Workman moved that Region 2 go to a permit only across-the-board in all hunting districts except the Missoula Special Management Area, and include the validation language to mirror what was approved in Region 1. Doherty seconded the motion.

Workman said he made this motion for two reasons; because consistency across western Montana is a big plus for lion hunting in the near future, and because he has not heard any reasons from staff to keep this "hybrid system". Brenden said "if we are worried about inconsistency, then we are really going to be inconsistent with the other areas in Montana".

Colton said he could not support this motion. He said he supported changes to Region 1 because there is a crisis situation there, and the changes will better manage the animal. He is not supportive of a permit system throughout Region 2, as the situation is very different than that in Region 1.

Mulligan said he is concerned with the high percentage of nonresident take, and that is not being addressed.

Doherty asked for public comment:

Tony Knuechel – opposes permits.

Sanford Shroud – opposes permits.

Rod Bullis – has lived in Lincoln 25 years, and drawing permits in an area with a specific number of permits is a wonderful idea. It is a race and there has been tremendous slaughter of lions. Permits would eliminate the race. He is in favor of going to permits in Region 2 across the board. Permits will improve ethics.

Lance Nelsen - supports permits entirely. Tired of the race and wants a good quality hunt. The right way to manage lions is not to over-harvest.

Chris Marchion – supports permits in both regions.

Tom Henderson – does not believe there is a race. Does not support permits.

Rob Walker – concerned about the 40 percent female - the quota gets overran.

Cal Rourke - all lions taken in HD250 were by non-residents, and quotas were over-run. People in his area do not want non-residents killing the cats. Supports permits. There are lion killers and there are houndsmen. Houndsmen like to chase and tree and promote ethical hunting. There is a chase race scenario in Region 2. Suggested making regulations consistent west of the Divide.

Don Clark - supports Workman's motion.

Scott Boulanger – supports Region 2 permits.

Action on Motion: Motion failed. Two in favor - three opposed. (Colton, Brenden, Mulligan opposed).

Action: Workman moved and Colton seconded the motion to approve the Region 2 Mountain Lion regulations as recommended by the Department, including the validation language (permits and quotas).

Doherty asked for public comment.

Cal Rourke – suggested if part of Region 2 is permit only, to add everything south of the interstate and go south. The north half would be quotas only, and the south half permits only for comparison.

Tony Knuchel – supports the motion.

Chris Marchion – add HD250 as permit only.

Scott Boulanger – the latest proposal added HD270 as a permit-only area. HD 270 is a limited permit already for trophy mule deer area and the sportsmen in that area have not had time to review this new proposal. Outfitter harvest was 50% due to the reporting line going down.

Workman – “I think it's an evolution. We'll be changing as we go. Some of this will work, and some of it won't. I'm going to vote for what we've got now and see where it leads us. If we continue to have overruns, I'm disappointed that we're going this way. The main reason of the 43% - we're not addressing that, and that is not, in my view, doing what we're supposed to be doing for Montana hunters”:

Colton – “I'm worried about the non-resident issue, but it wasn't brought up in the Department's recommendation, and I'm just not ready to take the step to go straight to permits in all of Region 2. I think that's where we're headed at some point, but I'm just not ready to do it now. There may another area or two I'd consider adding to permit, but I just think we need to slow down a little bit.”

Mulligan – “I think it's a lot more reasonable to try a smaller area to see how it works but I guess what does bother me is the two areas that are clearly the biggest problem are overrun and percentage of non-residents in 240 and 250.”

Workman – “Then you've got HDs 202 and 203 that is 8 out of 13 and closed in a week.”

Action: Mulligan amended the motion to add HDs 202, 203, 240, and 250 as permit areas. Workman seconded the amendment. Colton withdrew his second of the motion and does not support the amendment. Workman seconded the motion.

Mack Long, FWP Region 2 Supervisor, said the proposal before the Commission has solid reasoning behind it. If the proposal is not acceptable, he asked that the Commission consider, as an alternative, staying with the quota system across the entire region, with limits of nonresident harvest at 35%, and

establishing 40% female subquota. Long explained that 35% was chosen as there is a tolerance level where FWP starts hearing complaints at about 30%, after which they go ballistic at 40%. The region would be glad to try a permit system in a block, but adding districts changes the balance of what they had put together. One of the biggest reasons adding districts would affect the plan was that they kept hearing the opportunities and recruitment of new hunters was critical. They had valid reasoning for why they had made the recommendations they did.

Herbert stated that the more complicated the process is, the more difficult it is to evaluate it.

Action on Motion: Motion failed. Two in favor - three opposed. (Doherty and Workman in favor).

Action: Mulligan moved that Region 2 stay with a quota system and go to a 10% ratio of permits of that quota designated for non-residents excluding the lion study area. Brenden seconded the motion.

Workman asked if this motion is close enough to the tentative proposal that it would not be required to go out for public comments. Bob Lane said that when the tentatives were advertised for public comment, they went out with broad issues and broad proposals to go to a permit system, therefore the Commission is within their authority to entertain this compromise. People had the opportunity to comment on quotas and permits and combinations thereof.

Hagener said if the Commission goes with this system, it limits nonresidents in a way never done before with lions. This may make it more difficult for enforcement.

Jim Kropp, FWP Enforcement Division Administrator, said there is a whole myriad of things going on with lions, and that they are being stolen from Montanans. There is a lot going on that will become issues in the future. Anyone can chase lions, and in the past there has been problems. Returning to kill sites when they are different become alibi areas.

Mike Thompson, Region 2 Wildlife Biologist, said they would like to the lion study area left as is.

Doherty asked for public comment.

Grover Hedrick – The study area gets hit hard. One day when he was in there, he could not find a place to park. There were pickups with snowmobiles all hunting the same day. If it is opened to a quota system, it will be overrun by 3 in just one day.

Cal Rourke – Idea is fantastic and addresses the problem.

Rob Walker – This might be difficult due to the fact that Region 1 has one thing, and Region 2 has something else. He has heard a lot nonresident issues, and it seems to him that if nonresidents are to be capped in Region 2, why can't that be done in Region 1. That seems to be the issue there as well. If nonresidents are capped, he feels a waiting list be instituted.

Tony Knuchel – Supports the motion. He has a hard time with the validation, however.

Chris Marchion, Montana Wildlife Federation – Appreciated the seriousness and time dedicated by the Commissioners, and he supports the fact that they are taking a positive step forward. He supports the motion.

Sanford Shroud – Supports the motion. He would like to see this done in Region 1 and even statewide - without validation.

Lance Nelsen, Bitterroot Houndsmen Association, said his organization totally supports the motion one hundred percent.

Scott Boulanger – It creates an outfitters season by taking 10% and giving it to nonresidents. If one of his clients draws that permit, he has all season to hunt. This creates a race for the locals, and gave the nonresidents the golden key. Once everyone is in the field, and the locals see him out there, and they have already done their race, they are going to say the outfitters have their own season.

Don Clark – Sounds like a solution to all the problems and he is impressed.

Action on Motion: Motion carried. Three in favor – two opposed. (Workman and Doherty opposed).

Workman – “Is a motion necessary to stipulate that the regulations say if you want to hunt in Region 1, and you live in any other districts in the state, you are giving up that right?”

Herbert - “That is a valid question. What was proposed originally included validating Region 1 and Region 2 quota areas, and then separating Regions 3-7, which are all quota-based. What is restricting opportunity is if you apply for a limited permit in Region 1, then you give up your opportunity to kill a lion if you are unsuccessful. You want folks to have to choose to hunt only quota-based districts in Region 1, only quota-based districts in Region 2, or whatever combination thereof. What is recommended for Regions 3 –7 is a quota-based format”.

Action: Mulligan moved and Colton seconded the motion to require validation for the fall or winter season Mountain Lion hunting for any non-permitted areas statewide.

Doherty asked for public comment.

Mary Ellen Schnurr – Validation is going to tell you where people hunt. It is such a mystery to everyone where everybody is, but it is real obvious to me that we are lost in the mountain lion jungle. She wanted to remind everyone that most states first encounter anti-hunters who want to eliminate mountain lion hunting by using emotions of the big cats with soft eyes, and then their next goal is to get rid of the chase season. Montana has a great deal of public land to hunt on.

Action on Motion: Motion carried.

Regions 3, 4, 5, 6, and 7 – Mountain Lions

Action: Mulligan moved and Workman seconded the motion to approve the Region 3, 4, 5, 6, and 7 Mountain Lion regulations as recommended by the Department including amendments.

Doherty asked for public comment.

Action: Motion carried.

18. 2006 Spring Turkey & Fall Turkey Seasons and Quotas – Final.

Region 1 and 2 - Turkey

No recommended changes to the tentatives.

Action: Workman moved and Mulligan seconded the motion to approve the Regions 1 and 2 final Turkey regulations as recommended by the Department. Motion carried.

Region 3 - Turkey

One recommended change to the tentatives. (Include Lewis & Clark County in the list of counties open to spring turkey hunting).

Action: Mulligan moved and Colton seconded the motion to approve the Region 3 final Turkey regulations with an increase in the quota by 5. Motion carried.

Region 4, 5, 6, 7 – Turkey

No recommended changes to the tentatives.

Action: Colton moved and Workman seconded the motion to approve the Regions 4, 5, 6, and 7 final Turkey regulations as recommended by the Department. Motion carried.

19. 2006/2007 Spring Black Bear Seasons and Quotas – Final.

Regions 1, 2, 3, 4 - Bear

No recommended changes to the tentatives.

Action: Workman moved and Brenden seconded the motion to approve the Regions 1, 2, 3, and 4 final Bear regulations as recommended by the Department. Motion carried.

Region 5 - Bear

Recommended changes to BMUs 510 and 520 amend language relative to notification requirements and allowance for season closure before quotas are reached.

Action: Colton moved and Mulligan seconded the motion to approve the Region 5 final Bear regulations as recommended by the Department. Motion carried.

Region 6 – Bear

No bear regulations

Region 7 - Bear

Create new Bear Management Unit (LPT700-00) that includes all of Region 7 – quota of 2 per spring season and 2 per fall season.

Action: Colton moved and Brenden seconded the motion to approve the Region 7 final Bear regulations as recommended by the Department. Motion carried.

20. 2006 Game Damage Permit Authorizations – Final.

No recommended changes to the tentatives.

Action: Mulligan moved and Workman seconded the motion to approve the 2006 Game Damage Permits Authorizations as recommended by the Department.

Brenden asked how the figures were set, and if the Commission has authority to effect emergency decisions. Hammond replied that the figures had remained identical for a number of years and required flexibility this year, and he stated that the Commission did indeed have the authority to make changes.

Action on Motion: Motion carried.

21. 2006/2007 Prairie Dog Shooting Rule – Final.

No recommended changes to the tentatives.

Action: Colton moved and Mulligan seconded the motion to approve the 2006/2007 Prairie Dog Shooting Rule as recommended by the Department. Motion carried. (Brenden opposed).

22. 2007 Hunting Season Dates – Final.

Action: Mulligan moved and Colton seconded the motion to approve the 2007 Hunting Season Dates as recommended by the Department. Motion carried. (Brenden opposed).

23. Public Opportunity to Address Issues Not Discussed at this Meeting.

Steve Tomschin, Wilsall, stated that there is a big problem of elk in his area and the population there needs dealt with. He said he has met with Region 3 staff and has gotten no results. The whole district is penalized due to three large landowners. The local landowners are willing to work with the Department to get the numbers down.

Action: Brenden moved and Workman seconded the motion to adjourn. Motion carried.
Meeting adjourned at 5:25 p.m.

Steve Doherty, Chairman

M. Jeff Hagener, Director